

## **REMARKS**

Claims 1-6, 8-11 and 13-40 are pending and stand rejected. Claims 7 and 12 were previously canceled. Applicant respectfully requests reconsideration and allowance of the claims, as amended, in view of these Remarks. Applicant submits that this Amendment places the claims in condition for allowance, or in better condition for appeal.

### **Rejections Under 37 CFR §102**

Claims 1, 2, 3, 6, 8, 10, 19, 20, 22, 31-34 and 36 were rejected under §102(e) as being unpatentable over Kyle '739. Applicants traverse this rejection and request reconsideration of these claims as herein amended.

Kyle '739 discloses a biometric data entry device 21, such as a camera (col. 7, lines 16-24), which is connected to a communications control device 28, such as an Ethernet camera server device (column 8, lines 44-55) and an interconnecting main board 38. The Ethernet camera server device 30 is connected to an Ethernet network (column 8, lines 65-57) to communicate with a CPU 15 or server 34 (FIG. 4, col. 9, lines 38-41, and col. 10, lines 8-12). Biometric recognition software resides on the CPU 15 or a server 34 (col. 11, lines 9-14). Thus, data is transmitted over the Ethernet network to the CPU 15 or server 34 for processing by the biometric recognition software which resides on CPU 15 or server 34.

### **Independent Claim 1**

Claim 1 has been further amended to more specifically identify allowable subject matter. Kyle clearly fails to disclose, teach or suggest the following subject matter specified in claim 1, as amended:

“the at least one camera having at least one facial processor in communication with the analog to digital converter for receiving the digital format image data, the at least one facial processor being configured to execute with the digital format image data at least one facial recognition algorithm, execution of the at least one facial recognition algorithm with the digital format image data detecting faces when present in the digital format image data, execution of the at least one facial recognition algorithm providing for each detected face at least one set of

unique facial image data, ... the network protocol stack being configured for transmitting to the IP network for each detected face the at least one set of unique facial image data”.

**Moreover, Kyle ‘739 plainly “teaches away” from this subject matter of Claim 1.** In this regard, it can be observed that Kyle ‘739 teaches that data is transmitted over the Ethernet network to the CPU 15 or server 34 where the biometric recognition software resides, for processing by the biometric recognition software on CPU 15 or server 34. Therefore, the preceding disclosure of Kyle ‘739 clearly teaches away from a camera which includes at least one facial processor and which is configured to provide to the internet protocol network at least one set of unique facial image data for each detected face, as specified in claim 1.

Kyle ‘739 also clearly fails to disclose, teach or suggest the following subject matter specified in amended claim 1:

“the at least one facial signature processor being configured to receive from the IP network for each detected face the at least one set of unique facial image data”.

Similar to the preceding discussion, Kyle ‘739 teaches away from this subject matter of claim 1. It can be observed that Kyle ‘739 teaches that data is transmitted over the Ethernet network to the CPU 15 or server 34 where the biometric recognition software resides, for processing by the biometric recognition software on CPU 15 or server 34. Clearly, this teaches away from a camera which includes at least one facial processor and which is configured to provide to the internet protocol network at least one set of unique facial image data for each detected face, as specified in claim 1.

Kyle ‘739 also fails to disclose, teach or suggest this subject matter set forth in amended claim 1:

“wherein the at least one set of unique facial image data for each detected face is provided from the at least one camera to the IP network, such that the at least one set of unique facial image data of each detected face is received by the at least one facial signature processor to be compared with the at least one facial recognition database without preceding transmission of the digital format image data from the at least one camera over the IP network”.

As previously discussed, Kyle '739 clearly fails to disclose, teach or suggest the specified subject matter and rather teaches away from the subject matter set forth in this paragraph.

In view of the preceding discussion, claim 1 is clearly allowable.

### **Dependent Claims 2-6, 8-11 and 13-18**

Claims 2-6, 8-11, and 13-18, which are dependent upon claim 1, are allowable for each reason set forth above regarding claim 1. Claims 2-6, 8-11 and 13-18 are also allowable because of the additional allowable subject matter specified therein.

### **Independent Claim 19**

Kyle '739 fails to disclose, teach or suggest this subject matter in claim 19:

“surveillance camera comprising ...

at least one facial processor in communication with the analog to digital converter to receive the digital format image data;

... execution of the at least one facial recognition algorithm with the digital format image data detecting faces when present in the digital format image data, execution of the at least one facial recognition algorithm producing for each detected face at least one set of unique facial image data;

... the network stack being configured to transmit to the internet protocol network the at least one set of unique facial image data for each detected face”.

Kyle '739 fails to teach and, instead, plainly “teaches away” from this subject matter of Claim 19, as discussed above regarding claim 1. It can be observed that Kyle '739 teaches that data is transmitted over the Ethernet network to the CPU 15 or server 34 where the biometric recognition software resides, for processing by the biometric recognition software on CPU 15 or server 34. Accordingly, claim 19 is allowable.

### **Dependent Claims 20-31**

Claims 20-31, which are dependent upon claim 19, are allowable for each reason set forth above regarding claim 19. Claims 20-31 are also allowable because of the additional allowable subject matter specified therein.

### **Independent Claim 32**

Kyle '739 fails to disclose, teach or suggest this subject matter of claim 32:

“... surveillance camera comprising ...

execution of the at least one facial recognition algorithm detecting faces when present in the digital image format data, execution of the at least one facial recognition algorithm producing at least one set of unique facial image data for each detected face; and

... the network stack being configured to transmit the at least one set of unique facial image data of each detected face to the internet protocol network from the surveillance camera.”

As discussed above regarding claim 1, Kyle '739 fails to teach and, instead, plainly “teaches away” from this subject matter of Claim 32. It can be observed that Kyle '739 teaches that data is transmitted over the Ethernet network to the CPU 15 or server 34 where the biometric recognition software resides, for processing by the biometric recognition software on CPU 15 or server 34. Accordingly, claim 32 is allowable.

### **Dependent Claims 33-40**

Claims 33-40, which are dependent upon claim 32, are allowable for each reason set forth above regarding claim 32. Claims 33-40 are also allowable because of the additional allowable subject matter specified therein.

### **Rejections Under §103(a)**

#### **Claim 8 was Rejected Under §103(a) Over Kyle '739 in view of Hamid '755**

Applicant respectfully submits that Hamid '755 plainly fails to cure the significant deficiencies of Kyle '739 regarding independent claim 1. The deficiencies of claim 1 were previously described above, in detail, with reference to §102. Referring to the preceding discussion of claim 1, Hamid '755 fails to disclose, teach or suggest the deficient subject matter, and clearly does not

cure the specific deficiencies of claim 1. Accordingly, claim 8, which is dependent upon claim 1, is allowable.

**Claims 11 and 23 were Rejected Under §103(a) Over Kyle ‘739 in view of Morrison**

Applicant respectfully submits that Morrison plainly fails to cure the significant deficiencies of Kyle ‘739 regarding independent claims 1 and 19. The deficiencies of claims 1 and 19 were previously described above, in detail, with reference to §102. Referring to the preceding discussion of independent claims 1 and 19 regarding §102, Morrison fails to disclose, teach or suggest the deficient subject matter, and clearly does not cure the specific deficiencies of independent claims 1 and 19. Accordingly, claims 11 and 23, which are dependent upon independent claims 1 and 19, respectively, are allowable.

**Claim 14-18 were Rejected Under §103(a) Over Kyle ‘739 in view of Brooks**

Applicant respectfully submits that Hamid ‘755 plainly fails to cure the significant deficiencies of Kyle ‘739 regarding independent claim 1. The deficiencies of claim 1 were previously described above, in detail, with reference to §102. Referring to the preceding discussion of claim 1, Brooks fails to disclose, teach or suggest the deficient subject matter, and clearly does not cure the specific deficiencies of independent claim 1. Accordingly, claims 14-18, which are dependent upon independent claim 1, are allowable.

**Claims 25-26 and 37-38 were Rejected Under §103(a) Over Kyle ‘739 in view of Peters**

Applicant respectfully submits that Peters plainly fails to cure the significant deficiencies of Kyle ‘739 regarding independent claims 19 and 32. The deficiencies of claims 19 and 32 were previously described above, in detail, with reference to §102. Referring to the preceding discussion of independent claims 19 and 32 regarding §102, Peters fails to disclose, teach or suggest the deficient subject matter, and clearly does not cure the specific deficiencies of independent claims 19 and 32. Accordingly, claims 25-26 and 37-38, which are dependent upon independent claims 19 and 32, respectively, are allowable.

**Claims 27 and 39 were Rejected Under §103(a) Over Kyle ‘739 in view of Peters in view of Willis**

Applicant respectfully submits that both Peters and Willis plainly fail to cure the significant deficiencies of Kyle ‘739 regarding independent claims 19 and 32. The deficiencies of claims 19 and 32 were previously described above, in detail, with reference to §102. Referring to the preceding discussion of independent claims 19 and 32 regarding §102, Peters and Willis fail to disclose, teach or suggest the deficient subject matter, and clearly do not cure the specific deficiencies of independent claims 19 and 32. Accordingly, claims 27 and 39, which are dependent upon independent claims 19 and 32, respectively, are allowable.

**Claims 28-30 and 40 were Rejected Under §103(a) Over Kyle ‘739 in view of Peters in view of Willis**

Applicant respectfully submits that Peters and Willis plainly fail to cure the significant deficiencies of Kyle ‘739 regarding independent claims 19 and 32. The deficiencies of claims 19 and 32 were previously described above, in detail, with reference to §102. Referring to the preceding discussion of independent claims 19 and 32 regarding §102, Peters and Willis fail to disclose, teach or suggest the deficient subject matter, and clearly do not cure the specific deficiencies of independent claims 19 and 32. Accordingly, claims 28-30 and 40, which are dependent upon independent claims 19 and 32, respectively, are allowable.

### **Conclusion**

In view of the foregoing, Applicant respectfully requests reconsideration of claims 1-6, 8-11 and 13-40, and submits that each includes allowable subject matter. Applicant respectfully requests issuance of a Notice of Allowance for all claims. The undersigned is available at (512) 499-8900 to discuss this application at the convenience of the Examiner.

Respectfully submitted,

/Jeffrey D. Hunt/

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Date: December 19, 2008

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